

REMARKS

In a final Office Action dated 12 August 2003 (the “Office Action”), the drawings were objected to under 37 CFR 1.83(a) for failing to show a power supply and claims 1, 2, 4-22, and 25-41 were provisionally rejected under obviousness-type double patenting grounds with respect to copending Application No. 10/088,723.

Attached to this Response is a drawing Replacement Sheet 1/11. The power supply described in the specification on the top of page 20 has been added to FIG. 1A. No new matter has been introduced. Acceptance of this replacement sheet and removal of the objection to the drawings is respectfully requested.

With respect to the provisional rejection of claims 1, 2, 4-22, and 25-41 under obviousness-type double patenting grounds with respect to claims 1, 3-6, 13-16, 19-22, 26-37, and 40 of commonly-assigned copending Application No. 10/088,723, the Examiner’s attention is drawn to the following passage in MPEP 804.I.B. describing the situation where provisional double patenting rejections are made with respect to copending applications:

‘If the “provisional” double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the “provisional” double patenting rejection in the other application(s) into double patenting rejections at the time the one application issues as a patent’

Applicants understand insistence on that such a procedure in the present situation could substantially delay the issuance of one of these copending applications. To expedite prosecution of this application and Applicants’ related Application No. 10/088,723, Applicants are submitting herewith a Terminal Disclaimer with respect to Application No. 10/088,723. Applicants note, however, that Application No. 10/088,723 has not yet issued as a patent. While only formality and provisional double patenting issues remain outstanding in this related application, it is at least theoretically possible for the Patent Office to require changes to the claim language in this related application prior to issuance. If such amendments are required in this related application, the claims of the present application and

this related application may be sufficiently patentably distinct from each other and a terminal disclaimer may no longer be required in the present application. Therefore, the enclosed Terminal Disclaimer is being submitted on the condition that it may not be entered in this application if changes to the claim language in Application No. 10/088,723 are required before this related application is passed to issue.

In light of the above remarks, applicants believe that the present application is in proper condition for allowance. If the Examiner is contemplating any action other than forwarding the case to issue, the Examiner is urged to contact Applicants' representative, Mr. Bill Batzer, at 1-203-431-5506.

Respectfully submitted,



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